

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE BASU GROUP INC., :
: :
: Plaintiff, : Civil Action No. 16-cv-00461-PGG
: : ECF CASE
v. :
: :
SEVENTH AVENUE, INC., :
: :
: Defendant. :
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PLAINTIFF'S NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT

PLEASE TAKE NOTICE that Plaintiff The Basu Group Inc. ("Plaintiff"), by and through its below signed counsel, hereby moves this Court for an Order granting Plaintiff partial summary judgment on the following issues:

1. U.S. Copyright Registration No. VA 1-652-678 ("the '678 Reg.") is valid;
2. Defendant Seventh Avenue, Inc. ("Defendant") had access to Plaintiff's Peacock Feather #1 design, as that design is protected in the '678 Reg. ("Plaintiff's Design");
3. Defendant infringed Plaintiff's exclusive right to distribute copies of Plaintiff's Design;
4. Defendant is liable for copyright infringement of Plaintiff's Design; and

5. Defendant's infringement of Plaintiff's rights herein were, and if continuing are, willful.

Respectfully submitted,

**KAPLAN BREYER SCHWARZ
& OTTESEN LLP**

By: /s/ Michael R. Gilman
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Attorneys for Plaintiff The Basu Group, Inc.

Dated: March 31, 2017

CERTIFICATE OF SERVICE

It is hereby certified that true and correct copies of the documents entitled:

1. **PLAINTIFF'S NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT;**
2. **PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF ITS MOTION FOR PARTIAL SUMMARY JUDGMENT THAT ITS COPYRIGHT IS NOT INVALID, FOR COPYRIGHT INFRINGEMENT, AND FOR A RULING THAT SUCH INFRINGEMENT WAS WILLFUL;**
3. **LOCAL CIVIL RULE 56.1 STATEMENT; and**
4. **RULE 56.1 APPENDIX IN SUPPORT OF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT.**

Were served on the below identified counsel for Defendant, on this 31st day of March, 2017, via First Class mail, postage prepaid:

David C. Brezina, Esq.
Ladas & Parry LLP
224 South Michigan Avenue, Suite 1600
Chicago, IL 60604
(Attorneys for Defendant Seventh Avenue, Inc.)

Dated: March 31, 2017

By: /s/ Michael R. Gilman
Michael R. Gilman (MG 7608)